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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,372	01/29/2004	Shunichi Kunihiro	1232-5265	7904
27123	7590	10/03/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101				FIDLER, SHELBY LEE
		ART UNIT		PAPER NUMBER
		2861		

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/769,372	KUNIHIRO, SHUNICHI	
	Examiner Shelby Fidler	Art Unit 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 September 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 January 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/18/2006</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Objections

Claim 15 is objected to because of the following informalities: the limitations of communication means, determination means, and display means are recited twice within the same claim. Appropriate correction is required.

Claims 15, 16 are objected to as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims recite the limitation, "standby means for waiting only the command," which is unclear in the context of the claim. For the purpose of rejection, Examiner assume that the claim should read "standby means for waiting for the command." Similar objections apply to claim 17.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Moriyama et al. (US 6921218 B2).

Regarding claim 1:

Moriyama et al. disclose a printing apparatus (printing apparatus 100) performing printing by scanning a carriage being capable of mounting an inkjet printhead for discharging ink, comprising:

correction means (CPU 402; col. 5, lines 29-31) for performing correction of printing timing for adjusting a printing position in the printing (col. 8, lines 4-7); and non-volatile storage means (EEPROM of RAM 403) for storing information (flag F + setting value) on whether the correction has been already performed or not (col. 5, lines 44-49), wherein

the information is obtained when the correction is executed (col. 7, lines 24-29).

Regarding claims 2, 5, and 8:

Moriyama et al. also disclose that the information includes a correction value (setting value) for discharge timing of ink (col. 7, lines 24-29).

Regarding claims 3, 6, and 9:

Moriyama et al. also disclose that the printing apparatus performs printing by bi-directional scanning (col. 4, lines 20-24), and

the correction means corrects the printing timing for scanning in a forward direction and the printing timing for scanning in a backward direction (col. 8, lines 4-7).

Regarding claim 4:

Moriyama et al. disclose a printing system including a printing apparatus (printing apparatus 100) and a host device (host apparatus 500) connected to the printing apparatus (Fig. 3), the printing apparatus performing printing by scanning a carriage mounting a printhead, wherein the printing apparatus comprises:

correction means (CPU 402; col. 5, lines 29-31) for performing correction of printing timing for adjusting a printing position in the printing (col. 8, lines 4-7); and non-volatile storage means (EEPROM of RAM 403) for storing information (flag F + setting value) on whether the correction has been already performed or not (col. 5, lines 44-49), wherein the information is obtained when the correction is executed (col. 7, lines 24-29), and the host device comprises:

communication means (inherent to Fig. 3) for receiving the information stored in the storage means by communicating with the printing apparatus (col. 9, lines 50-57 and col. 15, lines 22-29);

determination means (printer driver) for determining whether the correction has been performed or not, based on the received information (col. 9, lines 56-57 and col. 15, lines 22-29); and

display means (GUI) for displaying a message when the determination means determines that the correction has not been performed (col. 7, lines 6-10).

Regarding claim 7:

Moriyama et al. disclose a control method of a printing apparatus (printing apparatus 100) for performing printing by scanning a carriage being capable of mounting a printhead, comprising the steps of:

providing the printing apparatus with correction means (CPU 402; col. 5, lines 29-31) for performing correction of printing timing for adjusting a printing position in the printing (col. 8, lines 4-7), and non-volatile storage means (EEPROM of RAM 403) for storing information (flag F + setting value) on whether the correction has been performed or not (col. 5, lines 44-49), wherein the information is obtained when the correction is executed (col. 7, lines 24-29);

receiving the information stored in the storage means by communicating with the printing apparatus on a host device connected to the printing apparatus (col. 9, lines 54-55 and col. 15, lines 22-29);

determining whether the correction has already been performed or not based on the received information on the host device (col. 9, lines 54-55); and

displaying a warning message on the host device when it is determined that the correction has not been performed (col. 7, lines 6-10).

Regarding claims 10-12:

Moriyama et al. also disclose that the information indicates whether the correction by the correction means has been executed before performing printing (col. 7, lines 5-10, 24-29).

Regarding claims 13-14:

Moriyama et al. also disclose that the printing apparatus performs the printing immediately after the determination means determines that the correction has been performed (e.g. steps 24-27 of Fig. 7).

Regarding claim 15:

Moriyama et al. also disclose communication means (inherent to Fig. 3) for receiving the information stored in the storage means by communicating with the printing apparatus (col. 9, lines 50-57 and col. 15, lines 22-29);

determination means (printer driver) for determining whether the correction has been performed or not, based on the received information (col. 9, lines 56-57 and col. 15, lines 22-29);

display means (GUI) for displaying a message when the determination means determines that the correction has not been performed (col. 7, lines 6-10);

input means (input unit) for inputting a command for executing the correction of printing timing to the printing apparatus after the display means displays that the correction of printing timing has not been performed (col. 7, lines 5-19 and col. 15, lines 22-29); and

standby means (inherent to col. 7, lines 5-12) for waiting for the command for executing the correction of printing timing by the correction means after the display means displays that the correction of printing timing has not been performed (col. 7, lines 5-12).

Regarding claim 16:

Moriyama et al. also disclose input means (input unit) for inputting a command for executing the correction of printing timing to the printing apparatus after the display means displays that the correction of printing timing has not been performed (col. 7, lines 5-19 and col. 15, lines 22-29); and

standby means (inherent to col. 7, lines 5-12) for waiting for the command for executing the correction of printing timing by the correction means after the display means displays that the correction of printing timing has not been performed (col. 7, lines 5-12).

Regarding claim 17:

Moriyama et al. also disclose inputting a command for executing the correction of printing timing to the printing apparatus after displaying that the correction of printing timing has not been performed (col. 7, lines 5-19 and col. 15, lines 22-29); and

waiting for the command for executing the correction of printing timing by the correction step after displaying that the correction of printing timing has not been performed (col. 7, lines 5-12).

Regarding claim 18:

Moriyama et al. disclose all limitations of claim 1 that apply to claim 18 as well as the additional limitation that a correction value is set in the non-volatile storage means in advance as an initial value (col. 7, lines 27-29). Examiner notes that the limitation of an “unrealistic correction value” is subjective, and contains no structure that would differentiate the claimed invention over the prior art; therefore, the limitation that the correction value is unrealistic has not been given patentable weight.

Regarding claims 19 and 22:

Moriyama et al. also disclose rewriting means (CPU 42) for rewriting the correction value to a correction value obtained when the correction of printing timing has been performed (col. 7, lines 24-29).

Regarding claims 20 and 23:

Moriyama et al. also disclose communication means for informing to a host device the correction value obtained when the correction of printing timing has been performed (col. 10, lines 30-38).

Regarding claim 21:

Moriyama et al. disclose all limitations of claims 4 and 18 that apply to claim 21.

Regarding claim 24:

Moriyama et al. disclose a printing method for a printing apparatus performing printing by scanning a carriage mounting a printhead, comprising the steps of:
performing correction of printing timing for adjusting a printing position upon the printing in the printing apparatus (col. 8, lines 4-7); and
storing in non-volatile storage means only the information which is a correction value for discharge timing of ink (col. 7, lines 24-26), wherein

a correction value is set in the non-volatile storage means in advance as an initial value (col. 6, lines 56-57). Examiner notes that the limitation of an “unrealistic correction value” is subjective, and contains no structure that would differentiate the claimed invention over the prior art; therefore, the limitation that the correction value is unrealistic has not been given patentable weight.

Regarding claim 25:

Moriyama et al. also disclose the step of rewriting the correction value to a correction value obtained when the correction of printing timing has been performed (col. 7, lines 24-29).

Regarding claim 26:

Moriyama et al. also disclose the step of informing to a host device the correction value obtained when the correction of printing timing has been performed (col. 10, lines 30-38).

Response to Arguments

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection. Please see the above rejection to Moriyama et al. (US 6921218 B2) which discloses information on whether the correction has been performed or not.

Communication with the USPTO

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelby Fidler whose telephone number is (571) 272-8455. The examiner can normally be reached on MWF 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vip Patel can be reached on (571) 272-2458. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SF 9/28/06

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